



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

COPY MAILED

JUL 15 2004

OFFICE OF PETITIONS

In re Application of :
LIN : DECISION REFUSING STATUS
Application No. 10/626,486 : UNDER 37 CFR 1.47(b)
Filed: July 24, 2003 :
Atty. Dkt. No.: SRGLT.004RA :
For: TREATMENT OF PRESBYOPIA :
AND OTHER EYE DISORDERS USING A :
SCANNING LASER SYSTEM :

This decision is in response to the petition under 37 CFR 1.47(b),
filed March 9, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this
decision to reply, correcting the below-noted deficiencies. Any
reply should be entitled "Request for Reconsideration of Petition
Under 37 CFR 1.47(b)," and should only address the deficiencies
noted below, except that the reply may include an oath or
declaration executed by the non-signing inventor. Failure to
respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 24, 2003 without an
executed oath or declaration and naming Jui-Teng Lin as sole
inventor. Accordingly, a Notice to File Missing Parts of Reissue
Application was mailed September 3, 2003 requiring, *inter alia*, an
executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that
the non-signing inventor cannot be reached or refuses to sign the
oath or declaration after having been presented with the
application papers (specification, claims and drawings); (2) an
acceptable oath or declaration in compliance with 35 U.S.C. §§ 115
and 116; (3) the petition fee; (4) a statement of the last known
address of the non-signing inventor; (5) proof of proprietary
interest; and (6) a showing that such action is required to
preserve the rights of the parties or to prevent irreparable
damages.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions